

In the Claims

1. (Currently Amended) Apparatus for playing a game, said apparatus including a play base and at least a first member located a pre-determined spaced distance apart from said play base and movable relative thereto, the movement or at least the result of the movement of said at least first member relating to one or more pre-determined criteria for allowing further playing of the game according to a set of rules, wherein said at least first member is provided with a magnet, said magnet interacting with one or more further magnets provided on or associated with said play base, and wherein a portion of said play base in or on which said magnets are located is movable relative to a remaining portion of said play base.
2. (Currently Amended) Apparatus according to claim 1 wherein [the] said at least first member is freely and randomly movable relative to [the] said play base.
3. (Currently Amended) Apparatus according to claim 1 wherein [the] said at least first member is suspended above an upper surface of [the] said play base from a frame and [the] said first member is movable relative to [the] said frame and/or said play base[in use].
4. (Currently Amended) Apparatus according to claim 3 wherein [the] said at least first member is pivotally mounted on [the] said frame.
5. (Currently Amended) Apparatus according to claim 3 wherein [the] said frame is integrally formed with [the] said play base.
6. (Currently Amended) Apparatus according to claim 3 wherein [the] said frame is detachably attached to [the] said play base.

7. (Currently Amended) Apparatus according to claim 3 wherein [the] said frame includes two or more arm members detachably attached to each other by any or any combination of clips, adhesive, [Velcro] hook-and-loop fasteners, screws or friction fitting.
8. (Currently Amended) Apparatus according to claim 3 wherein [the] said frame includes two or more substantially upright members with a further member supported therebetween, [the] said first member attached to [the] said [supported] further member[in use].
9. (Canceled)
10. (Currently Amended) Apparatus according to [claims 9] claim 3 wherein [the] said one or more further [magnetic means] magnets are provided within the area defined by [the] said frame.
11. (Currently Amended) Apparatus according to claim [9] 3 wherein [the] said at least first member includes an elongate portion having a first end attached to [the] said frame and a second free end provided with [the] said magnet [magnetic means].
12. (Currently Amended) Apparatus according to claim 11 wherein [the] said elongate portion is substantially flexible.
13. (Currently Amended) Apparatus according to claim 11 wherein [the] said elongate portion is in the form of at least one string or cord.
14. (Currently Amended) Apparatus according to claim 11 wherein [the] said elongate portion is substantially rigid.
15. (Currently Amended) Apparatus according to claim [9] 1 wherein [the] said magnet [magnetic means] of [the movable] said first member is provided in, on or with any or any combination of a weight, toy or pendulum.

16. (Currently Amended) Apparatus according to claim [9] 1 wherein [the] said one or more further magnets [magnetic means] of [the] said play base are located under an upper surface of [the] said play base.

17. (Currently Amended) Apparatus according to claim [9] 1 wherein [the] said one or more further magnets [magnetic means] of [the] said play base are provided in one or more housings or compartments on [the playbase] said play base.

18. (Currently Amended) Apparatus according to claim [9] 1 wherein said one or more further magnets [a plurality of magnetic means] are provided at spaced apart intervals on [the] said play base.

19. (Currently Amended) Apparatus according to claim 18 wherein said one or more further magnets [the plurality of magnetic means] are arranged at spaced intervals around the circumference of a circle.

20. (Currently Amended) Apparatus according to claim [9] 1 wherein the movement of [the] said at least first member is determined, at least in part, by the polarities of [the] respective said magnets [magnetic means] on [the] said play base and said first member.

21. (Currently Amended) Apparatus according to claim 20 wherein a user initiates movement of [the] said at least first member, whereafter the magnetic interaction of [the] respective said magnets [magnetic means] determines any or any combination of the speed, direction and/or degree of further movement of [the] said first member.

22. (Currently Amended) Apparatus according to claim 18 wherein one or more of said one or more further magnets [the plurality of magnetic means] on [the] said play base have a positive polarity and the [other play base magnetic means] remaining said one or more further magnets have a negative polarity.

23. (Currently Amended) Apparatus according to claim 21 wherein [the] said at least first member will eventually come to rest following movement thereof adjacent one of said one or more further magnets [the plurality of magnetic means] on [the] said play base.

24. (Currently Amended) Apparatus according to claim 23 wherein [the] said at least first member is positioned at an acute angle to the vertical when [the] said first member eventually comes to rest.

25. (Currently Amended) Apparatus according to claim 23 wherein [the] said first [movable] member will come to rest adjacent said one or more further magnets [magnetic means] on [the] said play base of opposite polarity to [the] said magnet [magnetic means] provided with [the] said first member.

26. (Currently Amended) Apparatus according to claim [9] 1 wherein one or more pre-determined criteria for allowing playing of the game are associated with one or more of said [play base magnetic means] one or more further magnets on said play base.

27. (Currently Amended) Apparatus according to claim 1 wherein [the] said play base includes a plurality of play positions which a user is required to move a play piece therebetween during playing [o f] of the game.

28. (Currently Amended) Apparatus according to claim 27 wherein [the] said play positions are defined by any or any combination of an image, shape, text, symbol, photograph or data.

29. (Currently Amended) Apparatus according to claim 27 wherein the degree of movement which a user is able to move [a] said play piece between play positions at any particular point in the game is determined, at least in part, by the movement of [the] said first member relative to [the] said play base.

30. (Currently Amended) Apparatus according to claim 29 wherein a number is associated with each of said one or more further magnets [magnetic means] on [the] said play base and, when [the] said first member comes to rest adjacent [a] one of said one or more further magnets on said play base [magnetic means], the associated number corresponds to the number of play positions which the user can move [a] said play piece between.

31. (Currently Amended) Apparatus according to claim 1 wherein [the] said play base includes a plurality of play positions and a user is required to select a play position, determined at least in part by the movement of [the] said at least first [movable] member.

32. (Currently Amended) Apparatus according to claim 27 wherein [the] said one or more further magnets on said play base [magnetic means] are associated with one or more of [the] said play positions.

33. (Canceled)

34. (Canceled)

35. (Currently Amended) Apparatus according to claim [34] 1 wherein [the] said portion [or compartment] of [the] said play base on which said magnets are located is rotatably mounted relative to [the] said remaining portion of [the] said play base.

36. (Currently Amended) Apparatus according to claim [34] 3 wherein [the] said portion [or compartment] of [the] said play base on which said magnets are located is provided within the area defined by [the] said frame.

37. (Currently Amended) Apparatus according to claim 18 wherein the distance of the spaced intervals provided between [the play base magnetic means] said one or more further magnets of said play base is determined by any or any combination of the power, polarity or gauss of [the] said magnets [magnetic means].

38. (Currently Amended) Apparatus according to claim [15] 1 wherein said magnet of said first member is provided in, on or with a [the] toy [is] in the form of a cartoon character, monster, action hero or person.

39. (Currently Amended) A method of using an apparatus to play a game, said apparatus including a play base and at least a first member located a pre-determined spaced distance apart from said play base, said method including the steps of a user moving said at least first member relative to said play base, the movement of or at least the result of the movement of said at least first member relating to one or more pre-determined criteria for allowing further playing of the game by the user or one or more further users according to a set of rules.

40. (Currently Amended) A method according to claim 39 wherein the movement or the result of movement of [the] said at least first member determines the movement of one or more play pieces by a user between a plurality of play positions on [the] said play base.

41. (Canceled)

42. (Canceled)

43. (New) Apparatus for playing a game, said apparatus including a play base and at least a first member suspended above an upper surface of said play base from a frame and said first member is movable relative to said frame and/or said play base, the movement or at least the result of the movement of said at least first member relating to one or more pre-determined criteria for allowing further playing of the game according to a set of rules, wherein said at least first member is provided with a magnet, said magnet interacting with one or more further magnets provided on or associated with said play base, and wherein said first member has an elongate portion in the form of at least one string or cord having a first end and a second end,

said first end is attached to said frame and said second end remains free and is provided with said magnet.

44. (New) Apparatus for playing a game, said apparatus including a play base and at least a first member located a pre-determined spaced distance apart from said play base and movable relative thereto, the movement or at least the result of the movement of said at least first member relating to one or more pre-determined criteria for allowing further playing of the game according to a set of rules, wherein said at least first member is provided with a magnet, said magnet interacting with one or more further magnets provided on or associated with said play base, and wherein said one or more further magnets are provided at spaced apart intervals on said play base, and wherein one or more of said one or more further magnets have positive polarity, and the remaining said one or more further magnets have negative polarity.